REMARKS

In response to the final Office Action dated May 9, 2008, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1, 5-14, 36, 39-46, and 52-68 are currently pending in this application. Claims 2-4, 15-35, 37-38, and 47-51 have been canceled without prejudice or disclaimer. Claims 52-68 are newly added to replace some of the canceled claims.

Rejections under § 112

The Office rejected claims 1 and 30 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. These claims, however, have been amended and no longer resemble their examiner form. The Office is respectfully requested to re-examiner claims 1 and 30 in their current presentation.

Rejection of Claims under § 103 (a)

The Office rejects claims 1, 5-6, 15-20, 22-25, 27-30, 32-34, 36-38, 40-41, and 44-46 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,005,861 to Humpleman in view of U.S. Patent 6,493,875 to Eames, *et al.* and further in view of U.S. Patent 6,732,366 to Russo.

First, claims 15-20, 22-25, 27-30, 32-34, and 37-38 have been canceled without prejudice or disclaimer, so the rejection of these claims is moot.

Second, claims 1, 5-6, 36, and 44-46 are not obvious over *Humpleman*, *Eames*, and *Russo*. These claims recite, or incorporate, features that are not taught or suggested by the combined teaching of *Humpleman*, *Eames*, and *Russo*. Independent claim 1, for example, recites *"a residential gateway storing a browser-based graphical user interface in memory, the residential gateway receiving an instruction from a client device to retrieve the graphical user interface from the memory and to send the graphical user interface to the client device, the graphical user interface describing content available from the residential gateway."* Support for such features may found at least at page 7, line 22 through page 8, line 10 and at page 9, lines 1-5. Independent claim 1 is reproduced below, and independent claim 36 recites similar features.

1.   A system for providing digital entertainment data, the system comprising:

a residential gateway storing a browser-based graphical user interface in memory, the residential gateway receiving an instruction from a client device to retrieve the graphical user interface from the memory and to send the graphical user interface to the client device, the graphical user interface describing content available from the residential gateway.

The combined teaching of *Humpleman*, *Eames*, and *Russo* does not obviate these features. *Humpleman* and *Russo* have been previously discussed in great detail in the official record, so no further explanation is needed. *Eames* teaches a gateway having "a set of buses" to route information. *See* U.S. Patent 6,493,875 to Eames, *et al.* at column 5, lines 25-35 and at FIG. 3. Even so, the combined teaching of *Humpleman*, *Eames*, and *Russo* fails to teach or suggest all the features recited by independent claims 1 and 36. *Humpleman*, *Eames*, and *Russo*, for example, fails to teach or suggest *"the residential gateway receiving an instruction from a client device to retrieve the graphical user interface from the memory and to send the graphical user interface to the client device, the graphical user interface describing content available from the residential gateway."* One of ordinary skill in the art, then, would not think that independent claims 1 and 36 are obvious over *Humpleman*, *Eames*, and *Russo*.

The dependent claims also recite distinguishing features. Dependent claim 5, for example, recites "*a data switch coupled to the residential gateway and to the client device, the data switch receiving the instruction from the client device and sending the graphical user interface to the client device.*" Support for such features may found at least at page 18, lines 16-20. Dependent claim 6 recites "*wherein the graphical user interface includes instructions for controlling the residential gateway from the client device.*" Support for such features may found at least at page 18, lines 5-10. Dependent claim 7 recites "*wherein the residential gateway receives a client instruction from the client device to at least one of access the content, retrieve the content, and record the content.*" Support for such features may found at least at page 18, lines 5-10. Dependent claim 8 recites "*a smart card reader that, when authenticated, controls access to the content available from the residential gateway.*" Support for such features may found at least at page 20, lines 7-18. Dependent claim 9 recites "*a smart card reader that, when authenticated, controls access to pay-per-view content available from the residential gateway.*" Support for such features may found at least at page 20, lines 7-18. Dependent claim 10 recites "*a remote control that issues commands that controls the residential gateway.*" Support for such features may found at least at page 22, lines 2-11. Dependent claim 11 recites "*movies that have been automatically downloaded to the memory of the residential gateway.*" Support for such features may found at least at page 24, line 19 through page 25. Dependent claim 12 recites "*a data table stored in the memory of the residential gateway that associates a content identifier to a usage indicator for each movie, the content identifier identifying each movie automatically downloaded to the memory of the residential gateway, and the usage indicator indicating that a movie has been played or purchased.*" Support for such features may found at least at pages 25-27. Dependent claim 13 recites "*wherein the graphical user interface further describes the movies that were automatically downloaded to the memory of the residential gateway.*" Support for such features may found at least at page 26, lines 5-10. Dependent claim 14 recites "*wherein the movies are downloaded based upon a profile,*" and support may be found at page 30, lines 5-10. The combined teaching of *Humpleman*, *Eames*, and *Russo* is silent to all these feature.

Claims 1, 5-6, 36, and 44-46, then, are not obvious over *Humpleman*, *Eames*, and *Russo*. Independent claims 1 and 36 recite many features that are not taught or suggested by the proposed combination of *Humpleman*, *Eames*, and *Russo*, and their respective dependent claims

incorporate these features and recite additional features. One of ordinary skill in the art, then, would not think that these claims are obvious over *Humpleman*, *Eames*, and *Russo*, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 4 & 39 under § 103 (a)

Claims 4 and 39 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Humpleman*, *Eames*, and *Russo* and further in view of U.S. Patent 4,809,069 to Meyer.

Claim 4 has been canceled without prejudice or disclaimer, so the rejection of claim 4 is moot.

Claim 39, however, is not obvious over the combined teaching of *Humpleman*, *Eames*, *Russo*, and *Meyer*. Claim 39 depends from independent claim 36 and, thus, incorporates the same distinguishing features. As the above paragraphs already explained, *Humpleman*, *Eames*, and *Russo* are silent to all the features of independent claim 36, and *Meyer* does not cure these deficiencies. While *Meyer* discloses a "picture in a picture" processor, the combined teaching of *Humpleman*, *Eames*, *Russo*, and *Meyer* still fails to teach or suggest all the features of independent claim 36, from which claim 39 depends. The Office is thus respectfully requested to remove the § 103 (a) rejection of this claim.

Rejection of Claims 7 & 42 under § 103 (a)

The Office also rejects claims 7 and 42 under 35 U.S.C. § 103 (a) as being obvious over *Humpleman*, *Eames*, and *Russo* and further in view of U.S. Patent 5,768,527 to Zhu, *et al.* Claims 7 and 42, however, are not obvious over the combined teaching of *Humpleman*, *Eames*, *Russo*, and *Zhu*. Claim 7 and 42 depend, respectively, from independent claims 1 and 36 and, thus, incorporate the same distinguishing features. As the above paragraphs already explained, *Humpleman*, *Eames*, and *Russo* are silent to all the features of independent claims 1 and 36, and *Zhu* does not cure these deficiencies. *Zhu* discloses a "rate scaler" that reduces bitrates of multimedia streams. Still, though, the combined teaching of *Humpleman*, *Eames*, *Russo*, and

Zhu still fails to teach or suggest all the features of independent claims 1 and 36. The combined teaching of *Humpleman*, *Eames*, *Russo*, and *Zhu*, then, cannot obviate claims 7 and 42, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 8-14, 21 & 43 under § 103 (a)

Claims 8-14, 21, and 43 were also rejected under 35 U.S.C. § 103 (a) as being obvious over *Humpleman*, *Eames*, and *Russo* and further in view of U.S. Patent 6,104,861 to Tsukagoshi and further in view of U.S. Patent 5,473,772 to Halliwell, *et al.*

First, claim 21 has been canceled without prejudice or disclaimer, so the rejection of claim 4 is moot.

Claims 8-14 and 43, though, are not obvious over the combined teaching of *Humpleman*, *Eames*, *Russo*, *Tsukagoshi*, and *Halliwell*. These claims depend from either independent claim 1 or 36 and, thus, incorporate the same distinguishing features. As the above paragraphs already explained, *Humpleman*, *Eames*, and *Russo* are silent to all the features of independent claims 1 and 36, and the added teachings of *Tsukagoshi* and *Halliwell* do not cure these deficiencies. Even if *Tsukagoshi* discloses a "content item storage position identifier," and even if *Halliwell* allegedly discloses "*a new content item storage position identifier*," the combined teaching of *Humpleman*, *Eames*, *Russo*, *Tsukagoshi*, and *Halliwell* still fails to teach or suggest all the features independent claims 1 and 36. Claims 8-14 and 43, then, cannot be obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 26, 35 & 47 under § 103 (a)

The Office also rejects claims 26, 35, and 47 under 35 U.S.C. § 103 (a) as being obvious over *Humpleman*, *Eames*, and *Russo* and further in view of U.S. Patent 6,483,902 to Stewart, *et al.* These claims been canceled, so the rejection is moot.

Rejection of Claim 31 under § 103 (a)

Claim 31 was also rejected under 35 U.S.C. § 103 (a) as being obvious over *Humpleman*, *Eames*, and *Russo* and further in view of U.S. Patent 6,154,206 to Ludtke. Claim 31, however, has been canceled, so the rejection of this claim is moot.

New Claims 52-68

This response presents new claims 52-68. These claims replace some of the canceled claims.

No excess claim fees are due. This application was originally filed with four (4) independent claims and fifty one (51) total claims. New independent claim 52, for example, replaces canceled independent claim 30. New independent claim 60 replaces canceled independent claim 48. The total number of pending claims is thirty seven (37), and the number of independent claims remains at four (4), so no excess claim fee is due.

If any questions arise, the Examiner is invited contact the undersigned at (919) 469-2629 or *scott@scottzimmerman.com*.

Respectfully submitted,
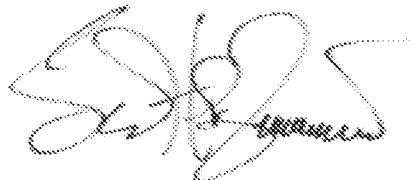
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